



PROPOSED RULE MAKING

CR-102 (July 2022) (Implements RCW 34.05.320) Do NOT use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: October 11, 2022

TIME: 3:03 PM

WSR 22-21-049

Agency: Washington State Pollution Liability Insurance Agency

☒ **Original Notice**

☐ **Supplemental Notice to WSR** _____

☐ **Continuance of WSR** _____

☒ **Preproposal Statement of Inquiry was filed as WSR** 22-03-035 ; or

☐ **Expedited Rule Making--Proposed notice was filed as WSR** _____; or

☐ **Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or**

☐ **Proposal is exempt under RCW** _____.

Title of rule and other identifying information: (describe subject) Chapter 374-70 WAC Heating Oil Pollution Liability Insurance Program, also referred to as the Heating Oil Insurance Program.

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
November 30, 2022	12:00pm to 1:30pm	Virtual meeting.	Meeting link can be found on PLIA's website: www.plia.wa.gov
December 6, 2022	4:00pm-6:00pm	Virtual meeting.	
December 15, 2022	12:00pm-1:30pm	Virtual meeting.	

Date of intended adoption: January 1, 2023. (Note: This is **NOT** the effective date)

Submit written comments to:

Name: Phi Ly

Address: PO Box 40930, Olympia, WA 98504-0930

Email: rules@plia.wa.gov

Fax:

Other:

By (date) December 15, 2022.

Assistance for persons with disabilities:

Contact Xyzlinda Marshall

Phone: 360-407-0515

Fax:

TTY: 711 or 800-833-6388

Email: rules@plia.wa.gov

Other:

By (date) December 15, 2022

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The Washington State Pollution Liability Insurance Agency (PLIA) provides an effective and efficient government funding model to support owners and operators in meeting financial responsibility and environmental cleanup requirements for underground storage tanks.

The Heating Oil Insurance Program was authorized by the legislature under RCW 70A.330.040 to assist owners and operators with the cost of cleaning up releases from heating oil tanks. In 2020, the Legislature directed PLIA to transition the Heating Oil Insurance Program to the agency's Revolving Loan and Grant Program as described in Chapter 70A.345 RCW.

The proposed changes to the rule language include the Legislative directive that PLIA end new registrations for the Heating Oil Insurance Program on July 2, 2020, and it provides procedural updates to program administration.

Reasons supporting proposal: This chapter provides registered heating oil tank owners and operators funds to cleanup contamination in order to meet the substantive requirements of the Model Toxics Control Act, Chapter 70A.305RCW and Chapter 173-340 WAC. The amended rule reflects statutory direction regarding program registration and updates to program administration.

Statutory authority for adoption: RCW 70A.330.040(1).

Statute being implemented: Chapter 70A.330 RCW.

Is rule necessary because of a:			
Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
If yes, CITATION:			
Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:			
Type of proponent: <input type="checkbox"/> Private <input type="checkbox"/> Public <input type="checkbox"/> Governmental Name of proponent: (person or organization) N/A			
Name of agency personnel responsible for:			
	Name	Office Location	Phone
Drafting:	Phi Ly	500 Columbia St NW, Olympia WA 98501	360-407-0517
Implementation:	Phi Ly	500 Columbia St NW, Olympia WA 98501	360-407-0517
Enforcement:	Phi Ly	500 Columbia St NW, Olympia WA 98501	360-407-0517
Is a school district fiscal impact statement required under RCW 28A.305.135? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
If yes, insert statement here:			
The public may obtain a copy of the school district fiscal impact statement by contacting: Name: Address: Phone: Fax: TTY: Email: Other:			
Is a cost-benefit analysis required under RCW 34.05.328? <input type="checkbox"/> Yes: A preliminary cost-benefit analysis may be obtained by contacting: Name: Address: Phone: Fax: TTY: Email: Other: <input checked="" type="checkbox"/> No: Please explain: Cost-benefit analysis is not required for an existing program.			
Regulatory Fairness Act and Small Business Economic Impact Statement Note: The Governor's Office for Regulatory Innovation and Assistance (ORIA) provides support in completing this part.			
(1) Identification of exemptions: This rule proposal, or portions of the proposal, may be exempt from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). For additional information on exemptions, consult the exemption guide published by ORIA . Please check the box for any applicable exemption(s):			
<input type="checkbox"/> This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted. Citation and description:			
<input type="checkbox"/> This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.			
<input type="checkbox"/> This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.			

☒ This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025\(3\)](#). Check all that apply:

<input type="checkbox"/> RCW 34.05.310 (4)(b) (Internal government operations)	<input checked="" type="checkbox"/> RCW 34.05.310 (4)(e) (Dictated by statute)
<input checked="" type="checkbox"/> RCW 34.05.310 (4)(c) (Incorporation by reference)	<input type="checkbox"/> RCW 34.05.310 (4)(f) (Set or adjust fees)
<input type="checkbox"/> RCW 34.05.310 (4)(d) (Correct or clarify language)	<input type="checkbox"/> RCW 34.05.310 (4)(g) ((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

☐ This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025\(4\)](#) (does not affect small businesses).

☐ This rule proposal, or portions of the proposal, is exempt under RCW _____.
Explanation of how the above exemption(s) applies to the proposed rule:

(2) Scope of exemptions: *Check one.*

☒ The rule proposal is fully exempt (*skip section 3*). Exemptions identified above apply to all portions of the rule proposal.

☐ The rule proposal is partially exempt (*complete section 3*). The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal. Provide details here (consider using [this template from ORIA](#)):

☐ The rule proposal is not exempt (*complete section 3*). No exemptions were identified above.

(3) Small business economic impact statement: *Complete this section if any portion is not exempt.*


If any portion of the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

☐ No Briefly summarize the agency's minor cost analysis and how the agency determined the proposed rule did not impose more-than-minor costs. _____

☐ Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses and a small business economic impact statement is required. Insert the required small business economic impact statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

<p>Date: October 11, 2022</p> <hr/> <p>Name: Phi Ly</p> <hr/> <p>Title: Legislative and Policy Manager</p>	<p>Signature:</p> 
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